

WEATHER REPORT.
SAN FRANCISCO, Aug. 30.—San Francisco and vicinity: Cloudy and threatening tonight and Friday. Fresh west winds.

Oakland Tribune.

You will find THE TRIBUNE in every town and hamlet in Alameda County the day it is printed. It gets there with all the news.

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JAPAN IS WITHDRAWING HER MARINES FROM AMOY.

WASHINGTON, August 30.—A telegram has been received at the Japanese Legation to the effect that having been informed by the Japanese Consul at Amoy that he has been assured by the Chinese authorities of their readiness to afford full protection to the foreigners residing there and their property at that port, the Japanese government has already ordered the withdrawal of marines detailed to protect the Japanese property in the native town and are prepared to withdraw the rest of the marines as soon as they are satisfied that the peace and order of the port are assured.

BATTLE FOR THE ESTATE OF HEATON.

War for Property of Late Capitalist.

Developments of Most Sensational Kind are Promised.

There is to be a contest over the \$50,000 estate left by the late Warren D. Heaton. The litigation which is promised is to fairly bristle with sensational features, and the dry bones of a family skeleton will be rattled like castanets in the probate court of this county. A woman alleged to be the adopted child of the deceased is to be brought into the litigation and will lay claim to the entire estate to the exclusion of the five nephews and nieces, who now claim to be next of kin to the dead capitalist.

Another complication in the case is the fact that deceased deeded away the bulk of his estate more than a year ago. These deeds were placed on record yesterday just before Charles W. Palm of Los Angeles, a nephew of Heaton's, filed his application for letters of administration on his uncle's estate. These deeds convey none of the property to the nephews or nieces. There is the rub. The validity of the deeds is to be contested.

Henry C. McPike, who with Edward A. Meserve of Los Angeles represents Palm, will attack these conveyances on the ground that they were made without consideration and executed at a time when Heaton's mind was not as clear as it should have been. All of the deeds are dated April 11, 1899. The consideration in each is \$1 and the reservation is made that Heaton is to have the "right of possession, rents, issues and profits" of the property conveyed during his natural life.

Mary Cordelia Heaton got the lot 50x75 and improvements on the east side of Webster street, 100 feet north of Eighth street.

Albina A. Leach the property on the north side of Eighth street, extending from Webster to Harrison streets.

Lulu Annette Leete, lot 100x100, northwest corner Harrison and Eighth streets.

The latter named is claimed to be Warren Heaton's adopted daughter, and at present resides at the Heaton residence, 1225 Webster street.

Attorney Fred L. Whitney says there is another who has a better claim to the Heaton estate. She is known as Jennie Heaton, and as soon as the evidence is in shape she will put in a claim for the property on the ground that she is Heaton's daughter, or at least was legally adopted by him years and years ago.

Attorney Whitney says that she is now a woman of about 30. She had resided with the Heaton family up to the time when Mr. Heaton married the second time. The last Mrs. Heaton and the girl could not agree and the latter went away—where, the attorney refuses to tell at this time, excepting that she is in the mountains.

The early life of this claimant is veiled in some mystery. She was raised by the Heaton family, but further than that little is known of her. Mr. Whitney, who is acting as her legal representative, says that when the time comes there will be ample evidence to show that she is entitled to the Heaton estate.

The first move toward a contest was made this morning when Palm, accompanied by his attorney, Mr. McPike, applied to Judge Greene in chambers for special letters of administration on the estate with power to take possession of the property. His application was opposed by K. E. Whitney, who asked that action be delayed until he could produce proofs of his client's right to administer the estate. Judge Greene granted Palm's petition, fixing his bonds at \$12,500. Under this authority he will

UNCLE SAM AND RUSSIA IN HARMONY

Ask the Allies to Vacate China.

Want Chinese Court Brought Back to Peking.

Associated Press Dispatches by The Tribune's Special Leased Wire.

WASHINGTON, Aug. 30.—The course of the United States in the pending negotiations with the Chinese government was made more clear today by an important note embodying a communication from Russia and advising the powers of the action taken by this Government. The Russian note declared the interdiction of Li Hung Chang's communication with the Chinese government was "inexplicable," and asked that the powers direct their commanders to vacate the country. The United States concurs with the position of Russia and informs the powers that instructions have been sent to our representatives in China in the spirit of the Russian note.

The State Department has dispatched its instructions to the United States representatives in conformity with the decision of the Cabinet upon the Russian proposal to withdraw the troops in Peking in order to allow the Empress Dowager and Emperor Kwang Hsu to return to the capital to institute negotiations for a settlement with the powers. All of these steps are matters of common agreement, so it was not possible for two of the nations concerned, Russia and the United States, to make agreements between themselves at this stage.

At least it is necessary to advise each of the governments represented in China of the various propositions as they are broached. The instructions sent to our representatives recalls to their minds the conditions which the United States Government already has laid down as the proper basis for the institution of negotiations for an amicable settlement. Some of these conditions have been met, the international column is in Peking and the foreigners in that capital are safe for the time being. The remainder of the conditions, namely those looking to the future safety of American interests, are yet to be complied with. The Chinese government must guarantee its ability to prevent the spread of disorder to the other provinces and a recurrence of such disorders as have occurred.

It is not quite clear how the Russian government can guarantee these conditions, but it is supposed it has some means of knowing the Empress Dowager stands ready to return to Peking.

By the dispatch of today's note our government has for the time being placed the responsibility of

ALLIED FORCES PROMENADE THROUGH IMPERIAL PALACE.

Minister Conger Cables That It Was Afterward Closed and Guarded.

WASHINGTON, Aug. 30.—The State Department makes public the following cablegram from Minister Conger received this morning through the United States Consul at Chefoo: 'CHEFOO, Aug. 30.—6:44 a. m.—Secretary of State, Washington: Thirtieth, following dispatch dated yesterday: 'More Russian, French, German and Italian troops are arriving. Imperial palace will be entered August 28th. Military promenade of all nations will be made through it—afterward it will be closed and guarded. Prince Ching is expected in a few days. CONGER.' (Signed) FOWLER."

The State Department officials say Mr. Fowler's prefatory statement that Minister Conger's dispatch is dated "yesterday" (August 29th) probably refers to the Taku date line, it being necessary to send it through that place. They do not think it means that it was dated Peking, August 29th.

ROBBERY OF A TRAIN IN WYOMING.

Bandits Wreck Express Car.

Officials Say the Loss Is a Trifling One.

Associated Press Dispatches by The Tribune's Special Leased Wire.

OGDEN, UTAH, Aug. 30.—The second section of the Pacific express, which was held up at Table Rock, Wyo., last night, reached here at 9:40 a. m. The mail car was untouched, and the Oregon Short Line express car was but slightly damaged. The robbers confined their work to the Pacific express car, which was totally wrecked and left at Green River.

The mail clerk and express messenger state that a man concealed himself on the tender at Tipton and when about two miles west of that place compelled the engineer to stop the train. The first man was here joined by three others. The two coaches were detached and the express car and mail car run about a mile down the road, where the safe in car No. 1116 was blown open and rifled.

The express officials here say the loss is about \$54 in money and \$100 in damage to the baggage and express matter.

OMAHA, Neb., Aug. 30.—At Union Pacific headquarters little is

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PLAGUE RAGING IN GLASGOW.

GLASGOW, Aug. 30.—Eleven persons are now suffering from bubonic plague here and five others have symptoms of the plague.

KRUGER IS MAKING FOR THE COAST.

On His Way to Delagoa Bay.

British Prisoners are Released and Will Join Roberts.

Associated Press Dispatches by The Tribune's Special Leased Wire.

LORENZO MARQUES, Aug. 30.—The British prisoners at Mooi-Gedacht (on the railroad east of Machadodorp) have been released by the Boers and are marching to join Lord Roberts' forces at Watervalhoven, near Machadodorp.

President Kruger and his chief officials are at Hellspruit, about 60 miles from the Portuguese border, and on the railroad between Pretoria and Delagoa Bay. The President is evidently making his way to the coast in Portuguese territory.

PARENTS AND BABY BURNED.

VANCOUVER, B. C., Aug. 30.—A Rescued wife and child, were burned to death here this morning. Their two-story frame house was discovered on fire about 3 o'clock, and as soon as the flames were partly extinguished the firemen entered and found the charred remains of Mrs. Rescued on the lower floor. Rescued was in bed with the burning clothes wrapped around him, suffocated. The baby had rolled from the bed to the floor in its agony.

FITZGERALD IS NOT TO RUN FOR CONGRESS

J. J. McDonald Is Authority for This.

He Says Announcement Is Definite and Final.

A member of the staff of THE TRIBUNE today interviewed Mr. J. J. McDonald, chairman of the Democratic County Central Committee and a close personal and political associate of Hon. R. M. Fitzgerald.

"Under no possible circumstances," said Mr. McDonald, "will Mr. Fitzgerald be a candidate for Congress for the Third Congressional District. This is definite and final."

As M. F. Tarpey of Alameda has also refused to enter the race, this leaves the field open, with District Attorney Edwin Swinford of Colusa as the only avowed candidate.

For Presidential elector for this district on the Democratic side the name of James A. Keys, County Treasurer of Solano, has been mentioned, while Senator Taylor of Alameda is mentioned on the Republican side and the name of Hon. W. R. Davis of Oakland has also been brought forward. Mr. Davis would accept, but will make no fight for the place.

There will be conventions of both political parties held in this city on Saturday. The Democratic County Convention, 166 delegates, will meet in Germania Hall at 2 P. M. John J. McDonald, chairman of the County Committee, will be the chairman of the convention.

There will be a series of Republican conventions held on Saturday at Fraternal Hall on Washington street. The county convention to nominate Superior Judges will be held at 10 o'clock A. M. It is, of course, a foregone conclusion that Judges Ellsworth and Ogden will be renominated.

The Senatorial Convention in the Twenty-seventh District will meet at 1 P. M., the convention of the Fifth Sub-

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MERRITT CASE STILL DRAGGING ON

Plenty Latitude Allowed to Philbrook.

Judge Sweeney Wants to Get Through By Friday Night.

Horace W. Philbrook's attempt to get the Merritt estate into his clutches was called for another round before Judge Sweeney this morning. His Honor had stated that he was compelled to return to Redding Friday night and desired the attorneys to finish by that time if possible, but the indications are that the hearing will last much longer. Philbrook persists in presenting a mass of apparently irrelevant testimony, and seems desirous of dragging everybody that he can into unpleasant notoriety. The patience of Judge Sweeney with his vagaries is remarkable, and the wide latitude permitted the disbarred attorney is generally commented on as an evidence that the Judge is giving him all the rope he wants.

Thus far Philbrook has met with nothing but disappointment in his fishing around for facts that would tend to support his claim that there was a grand conspiracy to loot the Merritt estate. The evidence of every witness went to show directly to the contrary yesterday. H. P. Merritt, Myron T. Dunsbury and Mack Webber all corroborated in every particular the testimony of O. C. Miller given Tuesday. Instead of the estate of James P. and Fred A. Merritt being plundered by a gang of conspirators, the testimony went to prove that they were treated with great consideration, all parties apparently being agreed on protecting them as far as possible. Harry P. Merritt did not take all that was to be given him by the terms of settlement. Mr. Miller, acting for the Purington heirs, contrary to the advice of his attorney, was very averse to pushing the Merritts to extremities. His attorney believed that James P. and Fred Merritt had forfeited all their interest in the Knowles Trust. If he was correct, the property all reverted to H. P. Merritt and the Purington heirs, as residuary legatees. Forfeiture would have dissolved the trust.

In order to obviate protracted and expensive litigation, an arrangement satisfactory to all the contending interests was effected, pursuant to which a friendly suit praying for the dissolution of the trust was instituted. Prior to the institution of this suit all the parties deeded their respective interests to Mack Webber and Edward Hackett, whose only connection with the matter was to redistribute the property in accordance with the terms of an agreement drawn up and signed by the various parties in interest.

SMALL PAY. They received less than a thousand dollars for their services. The property transferred to Hackett was in payment of money advanced the Merritts, and the lot transferred to Webber was a matter of bargain and sale, and represented no gratuity or share in the division.

After the dissolution of the trust the Merritts paid their attorneys in lots of land because they had no money. These payments were for services covering a long period both prior and subsequent to the dissolution of the trust.

Charles H. Lovell, attorney for Harry P. Merritt, was questioned as to his connection with the dissolution of the trust. The complaint was drawn by Henry C. Campbell, attorney for the Purington heirs. They were "the ones who were pushing the matter. He

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PYTHIANS TO MEET IN SAN FRANCISCO.

That City Gets the Supreme Lodge.

The Prize Military Contests Under Way.

Associated Press Dispatches by The Tribune's Special Leased Wire. DETROIT, Aug. 30.—The Supreme Lodge of the Knights of Pythians has chosen San Francisco as the place of the next biennial gathering of the order.

Ideal weather for drilling was furnished today for the Pythian prize military contest. On account of the large number of entries the drills were begun simultaneously.

At the athletic grounds the competitors of Class A were put through their paces. The prizes in this class, which was open to all companies of the uniformed rank, K. of P. were six in number, first prize \$1,500, second prize, \$1,000, and \$700, \$500, \$300 and \$100 respectively. The companies which competed in class A contests today were: John Barr, Tennessee, Wisconsin, Springfield, Ohio, Jeffer, sonville, Indiana, Ohio. Several companies will compete tomorrow and Saturday.

Class B prizes offered are \$600, \$400, \$200 and \$100. The contestants are limited to companies which

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Have you ever seen or heard of such an opportunity?

Just completed. Two story house of a x rooms, bath, reception hall, etc. Open nickel plated plumbing. Finished in curly redwood, dowetailed panels, beam ceiling, tinted walls. In fact, everything that makes home beautiful. Lot 30x135, facing Telegraph ave., near 32d st.

And most wonderful to say, you can buy this beautiful home with \$500 cash and assume mortgage of \$2,000, but loan. The cheapest and finest house in Oakland. New two story, seven rooms, bath and reception hall. Open nickel plated plumbing, finished in (hardwood) Oregon ash. Beam ceiling and every room, nook and corner a pleasure to the eye. Lot 40x135, facing on that prominent avenue Telegraph near 32d. This property carries mortgage of \$3,500, which denotes a valuation of not less than \$7,000. Price only \$4,500.

A. J. SNYDER & CO. 467 Ninth Street & Oakland

SEWING MACHINES.

All kinds sold on install-ments or rented at \$2.00 per month. General repairing at low rates.

E. L. SARGEANT 464 Twelfth Street, Between Broadway and Washington

For exchange

30 acres, near Mills Seminary, fronts electric road—Price \$12,500. Fine sub-division property.

Adjoining land held at \$650 per acre.

WILLIAM J. DINGEE 903 BROADWAY, OAKLAND

FRITSCH

Fine Tailoring

Abrahamson Building 13th and Washington

Twenty-five cents

for facsimile prints of famous pictures—all already matted in those stylish grey mats—size 11x14—Also some at Thirty-five Cents—same finish, but with three openings—size complete 8x20.

These two lots are the best value we have been enabled to offer for a long time—the quantity we purchased is our only excuse for such a low price.

Great Variety of Subjects. We mention a few:

Hosea
Saint Cecilia
Magdalene
The Angels
The Soul's Awakening
Alone
Baby Stuart
Mater Dolorosa
Etc., Etc.

25c each

Some of those 25c and 50c ready bound prints of the same style can still be had—better see about them this week.

SMITH BROS.

Stationers—Book Sellers—Art Dealers

1154-1155 Broadway, Oakland.

PYTHIANS TO MEET IN SAN FRANCISCO.

(Continued From Page 1.)

have never won a prize. The entries are: Success, Ind.; Shafter, N. Y., and Los Angeles, Cal.

Companies under two years of age are eligible to the Class C contests. Those entered are: General Lawton, Ill.; Columbia, Ind.; Homestead, Pa., and Elwood, Ind.

A \$500 prize for the best battalion drilling will be competed for Friday.

No announcement of winners is to be made until Saturday, the closing day of the encampment, when the prizes will be awarded.

The Supreme Lodge, Knights of Pythias, this afternoon settled the question whether rotation in office should be continued or the supreme officers re-elected for a second term. The test was the vote on the election of a supreme chancellor. There were two candidates, Thomas G. Sample of Pennsylvania, the present supreme chancellor, and Ogden H. Fethers, of Janesville, Wis., supreme vice-chancellor. There were seventeen seconding speeches made for Fethers. The Sample contingent were content to rest with the nominating addresses. The first ballot resulted in the election of Fethers by a vote of 88 to 50. Contrary to the usual custom the election was not made unanimous. The officers will be chosen at a later session.

San Francisco was selected for the next biennial gathering by acclamation.

ROBBERY OF A TRAIN IN WYOMING.

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known regarding the Wyoming train robbery except that it has occurred and that a reward of \$1,000 is offered for each of the robbers. General Manager Dickinson is on the scene and is personally directing the pursuit. All reports are sent to him and officials here know little about the affair. The country where it was committed is sparsely settled and rough, which favors the escape of the robbers, who had several hours' start.

DENVER, Col., Aug. 30.—An unconfirmed report has reached here that the Wyoming train robbers were captured this morning by United States Marshal Haddsell and posse ten miles from the scene of the robbery. It is said one deputy and one robber was wounded.

WILL LEAVE FOR EUROPE ON SATURDAY.

Mr. and Mrs. A. A. Moore Jr. and Dr. James P. Dunn leave for Europe on Saturday for an extended trip. They will visit Paris and the Exposition and take in all the sights of the old world before their return, and expect to be absent for several months.

THE VOTE AT THE PRIMARIES.

The Republican County Committee Now Canvassing.

The Republican county committee assembled this afternoon at 3 o'clock for the purpose of canvassing the vote cast at the judicial, supervisory, Senatorial and the State delegate primaries cast at the primaries held Saturday last.

Chairman Breed occupied the chair.

J. H. Riley acted as secretary.

There were present Messrs. Breed, Crowell, Riley, Morrison, Lanktree, Randolph, Potts, Barnett.

The minutes of the last meeting were read and approved and the count proceeded with.

MERRITT CASE STILL DRAGGING ON

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signed the complaint as attorney for H. P. Merritt, as it was an agreed case. Witness had advised his client that it was his opinion James and Fred Merritt had forfeited their interest in the Knowles Trust. The case of had decided to him by H. P. Merritt was in payment for services as attorney covering a long period and relating to many matters. He got nothing whatever from the Knowles Trust and was not to get anything.

On cross-examination witness testified that he was not bribed nor paid anything for the part he played in the dissolution of the trust. He knew nothing of any conspiracy. There was nothing unlawful or surreptitious as far as he knew. Philbrook wanted Lovell to give the reasons on which he based his opinion that there was a forfeiture of the Knowles Trust.

Witness replied that he could not give them as he had dismissed the matter from his mind. At the time he looked into the matter closely and became convinced from his investigations that there was a forfeiture.

George N. Williams, who represented Bowdoin College in the settlement of the Knowles estate, was put through a long examination into the details of the negotiations between himself and the Merritts relative to a settlement of their claims.

Judge Nusbaumer objected to going into these matters, as they had no visible connection with the Merritt children or the Knowles Trust.

"This seems to be the case," said the petitioner and Mr. Williams, and I do not see why we should waste our time listening to such irrelevant and immaterial testimony."

Philbrook contended that he would show its relevancy in time and Judge Sweeney permitted him to continue the examination. Philbrook's efforts to get the witness to assent to his own statements met with poor success.

VARIOUS SETTLEMENTS.

Witness testified that in the settlement with the Merritts they were given \$15,000 each, and Dr. Augustus Brown, who conducted negotiations for them, received \$5,000. He could not say whether Fred Merritt knew of Brown being paid this money or not. Since that time he had seen Fred Merritt often. Merritt seemed to think witness had done him a great service and was grateful for it.

"Do you think you rendered him any service that should make him grateful?" asked Philbrook.

"I think I rendered him a very great service," replied witness.

Mr. Williams said Fred Merritt came to him after the death of J. N. Knowles and suggested Emil Nusbaumer for appointment as trustee to succeed Knowles. Witness commended the selection and drew up a petition praying for his appointment.

Philbrook called for Henry C. Campbell, but the answer was a loud silence. Then he called Judge Nusbaumer. Everybody brightened up a bit and hitched around in expectation of some sharp passages at arms, but the examination went along very quietly. Judge Nusbaumer testified that he graduated from the University of Michigan in 1870, came to California and was admitted to practice law the same year. He had been a practicing attorney ever since. He was appointed trustee to succeed J. N. Knowles in June, 1896. The Merritts and T. T. Dargie, whose wife is a sister of Mrs. Fred A. Merritt, had requested him to act. He gave no bonds because none were required.

"Fred A. Merritt wanted the Knowles Trust broken up, didn't he?" asked Philbrook.

"I don't know."

"From whom did you hear the first suggestion for breaking the Knowles Trust?"

"From Mr. Dushbury, I think. He came to me and spoke about it. I told him he had better get Jim and Fred and their attorneys together and talk it over."

"Did they do so?"

"They did. They came to my office and discussed the whole matter. The Furlington heirs and Harry Merritt contended that the trust was forfeited and the boys were anxious to sue."

Judge Nusbaumer went on to relate that A. A. Moore, Henry C. Campbell, Charles H. Lovell and Mr. Williams all believed that there had been a forfeiture. There were suggestions looking to a compromise. Witness wanted to serve James P. and Fred A. Merritt and did

not feel like standing in the way of any arrangement by which they might protect themselves. When an understanding was reached, he did not defend the trust as trustee because the Merritts, for whom he was acting, did not wish him to do so. He therefore submitted the matter for the court to decide without taking any sides. He believed that in case of a contest the Merritts would lose all the property. By the terms of settlement property to the value of \$100,000 was distributed to the Furlington heirs and Harry P. Merritt and the remainder was divided equally and transferred to the wives of James P. Merritt and Fred A. Merritt.

WANTED DISSOLUTION.

Witness stated that it was understood when proceedings were had that the parties concerned wanted the trust dissolved. It was so stated in court. It was only a few days after an agreement was reached that the complaint praying for a dissolution was filed. It was drawn by Henry C. Campbell. The case was decided in favor of the Furlington heirs and an answer was filed. The demurrer was overruled. The will of Mrs. Garcelon was presented, which provided for the Furlington heirs. The case was submitted that James P. Merritt had contested the will. The court decided that a forfeiture had been established and accordingly entered an order dissolving the trust. There was no argument.

"Who was your attorney in that proceeding?" asked Philbrook.

"George W. Reed."

"Did A. A. Moore act as your attorney?"

"He did not. He was the attorney for James P. Merritt."

"How comes it that in the decree Mr. Moore is described as your attorney?"

"That is a mistake. It should show that George W. Reed appeared for me and A. A. Moore for James P. Merritt."

Witness testified in relation to the sale of certain property belonging to the Knowles trust that the proceeds were to be reinvested and the income paid to James P. and Fred A. Merritt. They were not to receive anything. Witness had never consulted John A. Starnly and Warren Olney, attorney for the hospital fund provided for in Mrs. Garcelon's will, as to the legality of the forfeiture clause of Mrs. Garcelon's will. The Vandercook mortgage was assigned to the different parties in unequal proportions. The heirs got it all. The demurrer was overruled. They could not pay it, and subsequently they decided the property back to the Merritts.

"What became of the money in your hands?"

"It was paid out to the persons to whom it belonged—to the Merritts or on their order."

"Did you pay \$5,000 to Edward Hackett?"

"I did not."

"By whose order?"

"By the order of Fred A. Merritt and Mr. Dushbury, representing James P. Merritt."

"Have you your written order?"

"No. They gave me a verbal order."

"Have you ever received it back?"

"No. It was never returned to me. It was some of those to whom it belonged, and that is the last I heard of it."

Some of the lively sparring between the witness and the attorneys followed the bringing in of politics. The petitioner essayed the remarkable feat of proving that Nusbaumer had assisted in promoting Judge Henshaw to the bench. Dench in order to make room for Frick to render the decision dissolving the Knowles Trust. There was some discussion in the way that Philbrook had apparently overlooked. Frick was appointed in 1894. Knowles did not die till 1895. The bench was not vacant and was not appointed trustee till June 1896.

NUSBAUMER NOT A PROPHECY.

"Why did Judge Henshaw resign from the Supreme Bench?" asked Philbrook.

"The time for him to qualify as supreme justice," asked Philbrook. "My remembrance is that he wanted to take a month's vacation before he qualified."

"Did he not resign in order to make room for Frick, as previously agreed upon?"

"No. I deny it. There is no truth in that."

"Did you not assist in having Frick appointed?"

"I assisted him all in my power. He was my friend, and I did what I could for him."

"Did not George W. Reed assist him?"

"Undoubtedly."

"Did you not appoint delegates to the convention that nominated Judge Henshaw for the Supreme Bench?"

"I named some. I would have liked to appoint them all. I did all in my power to get Frick elected. In getting the nomination. You cannot put it too strongly. But I did not have the appointment of the delegates."

"Was not Frick a delegate?"

"He held a proxy, I believe."

"He worked for Henshaw, did he?"

"Undoubtedly worked for him as hard as he could."

"Did George W. Reed assist Henshaw in getting the nomination?"

"He did. He could. We were all warm friends of Judge Henshaw's, and there was nothing we could do that we did not do to assist him."

"It was through the efforts of yourself, Frick and Reed that he was nominated?"

"I cannot say as to that. There were some pretentious politicians in the group, and the entire Alameda delegation used their utmost endeavors. In his behalf. We were not afraid to do it. It was done. It was a little more sparring about politics Court took a recess till 2 o'clock."

AFTERNOON SESSION.

At the afternoon session Judge Nusbaumer was again called to the stand. He said he was informed that he had made a statement that he really intended as a negative. He was represented as saying nobody believed there was a forfeiture, whereas everybody believed there was. Witness said he had never discussed the matter with Arthur Rodgers or Judge Patterson.

Immediately after the dissolution the Knowles Trust all the parties met in the office of A. A. Moore for a consultation; the same afternoon, he thought, O. C. Miller, Henry C. Campbell, Charles H. Lovell, James P. Merritt, Fred A. Merritt, H. P. Merritt and witness were present. It was agreed that James P. and Fred Merritt would defend their interests to their wives. Moore insisted upon the fact, said he would have nothing further to do with the matter if this was not done.

YESTERDAY'S PROCEEDINGS.

The examination of Mr. Dushbury was continued in the trial of the Merritt estate case before Judge Sweeney after Judge TRIBUNE'S report closed yesterday.

"Who suggested Nusbaumer as trustee for the Knowles trust?" asked Philbrook on redirect examination.

"I don't exactly remember how his name came to be first suggested."

"Did he suggest it?"

"No. I first suggested it to him."

"Did he come to you?"

"No. I went to his office and suggested that he should do it."

"Did you not tell me that the \$5,000 Nusbaumer was to get out of the Knowles Trust had to be paid to George W. Reed?"

"That is not correct. It was to be paid to the Furlington heirs, and it was to be anything out of the Knowles trust."

"Well, is \$5,000 what he got?"

"He never got anything that I ever heard of."

"Did you not understand that the money paid to Reed was for Nusbaumer?"

"I understood it was to go to Nusbaumer's attorney."

"Did you not tell me last April that the money paid Reed was really for Nusbaumer, but had to be given Reed in the form of a fee to make it look all right?"

"I had several conversations with you, but I never said that, because it is not true."

The appearance of John H. Nichol, president and secretary of the John H. Nichol Company, caused a set-to between the Furlington heirs and the Merritts. Nichol wanted to prove that Fred A. Merritt had endeavored to borrow money from him, but witness did not think Knowles trust property was involved.

He was finally allowed to answer the question: "Do you lend money on property formerly belonging to the Knowles trust?"

"I would not care to," was the answer. Mayor Mack Weber testified that he had resided in Oakland for about twenty-eight years. He had been secretary of the Sausalito Land Company, of which O. C. Miller is president, for six or seven years. Witness and Edward Hackett were temporary trustees selected to distribute the property of the Knowles trust pursuant to an agreement between the parties in interest. The deed in trust to them was placed in evidence. Witness said he received \$50 for his services as such trustee. Some of this money was paid by Judge Nusbaumer. It was several months before he got it all.

"Do you know of any conspiracy to dissolve the Knowles trust?" asked Judge Nusbaumer.

"Well, I knew of negotiations looking to the annulment of the trust."

"Do you know of any fraudulent combination to annul that trust?"

"No. I never heard of anything wrong in connection with it."

"Did you know of anything unlawful or unbusiness-like in the transaction?"

Objected to and objection overruled.

Witness testified that there were numerous conversations in his hearing relative to settling the dispute about the Knowles trust property. It seemed that the only way to avoid the forfeiture of the interests of James P. and Fred Merritt was to annul the trust and divide the property. O. C. Miller acting for the Furlington heirs, refused to act on the advice of his attorney, because he did not want to see Fred and James Merritt impoverished. All the Merritts were anxious to have the matter settled without further litigation, and Mr. Miller desired to deal as gently with them as possible.

BATTLE FOR THE ESTATE OF HEATON.

(Continued from page 1.)

attempt to take possession of the realty conveyed by the deeds already mentioned, and then the trouble will begin.

THE STORY OF LIZZIE HEATON AS IT IS TOLD.

The introduction of Lizzie Heaton into the Heaton family, told by Fred E. Whitney, the attorney, story intensely romantic. About twenty-five years ago, according to Mr. Whitney, the first Mrs. Heaton was traveling in the train to Placerville, where her husband then had business interests.

During a stop at Shingle Springs, a small station near Folsom, a woman heavily veiled and carrying a baby in her arms entered the car in which Mrs. Heaton was riding. She evidently knew the lady, for she walked deliberately to the seat she occupied and placing the infant in her lap remarked:

"Tell Warren Heaton to care for his own."

She immediately disappeared through the car door and never crossed the Heaton path again.

That infant is now the woman who is known as Lizzie Heaton. She was never legally adopted by the Heaton, but the fact that Mr. Heaton treated her as his own will be urged in her behalf.

BULLETINS OF CORBETT-MCCOY FIGHT.

W. W. McNaughton's bulletins on the Corbett-McCoy fight, which takes place at Madison Square Gardens tonight, will be posted in full at the Alameda county bureau of the Examiner, 1070 Broadway. Mr. Naughton is regarded by the sporting fraternity as the greatest living authority on pugilism. Tonight's battle will probably be the most scientific in the history of the ring. Mr. Naughton's description of the fight by rounds will unquestionably be graphic as well as technical. The occurrences in the roped arena will be posted on the Examiner screen a few moments after taking place. The news will be flashed across the continent over the Hearst special leased wire, the longest in the world.

Mr. Landers Stevens will read the bulletins at the Dewey Theater.

BOTH FIGHTERS IN GRAND SHAPE

NEW YORK, Aug. 30.—McCoy arrived from Saratoga this morning. He looked the picture of health, and while he showed signs of careful training, he had taken in weight since he left for his training quarters at Saratoga a few weeks ago. McCoy said:

"I was never better in my life. I am stronger and have taken on weight. Stripped I turn the scales at 169 pounds, and am well satisfied with the result of my training."

Mr. Corbett said the stiffness in his leg has entirely disappeared and he is in perfect physical condition.

MEETING OF STANDING COMMITTEES TONIGHT.

The standing committees of the Council met tonight to pass on the matters referred to them by the Council. One of the most important measures before the Street Committee is the protest against the proposed new ordinance for the streets. The bicycle ordinance was taken up by the Judiciary Committee.

MAY TREAT WITH L HUNG CHANG. Powers Will Not Be Too Exacting as to Credentials.

Associated Press Dispatches by Special Wire.

LONDON, Aug. 30.—Diplomatic circles in London appear to be satisfied that Russia has either directly sent circular notes to the powers, or has reached an agreement with the United States in regard to the basis on which the Government at Washington will take initiative action. Russia may prefer the latter arrangement, on the ground that the United States has no entanglement, like Manchuria, calculated to arouse the suspicions of the powers.

Nothing definite, however, seems to be known at the Legations in London except Russia's great anxiety to end the prevailing conditions as speedily as possible, though the opinion is expressed that Russia believes that as a preliminary to the settlement all forces should evacuate Peking and retire with their resident Ministers and native Christians to Tien Tsin, whence they can better front with the most responsible Chinamen available.

It is pointed out that, though some governments are inclined to recognize Li Hung Chang's services, there is a feeling in some quarters that it would be more satisfactory to all concerned and would carry more weight with the Chinese officials, if the Russian representative were to the reigning dynasty be found with whom to arrange terms. If, however, Li Hung Chang can secure any kind of creditable front from the Emperor, Russia seems to be the opinion that his authority will not be too closely scrutinized, except possibly by Germany, especially if Li Hung Chang can demonstrate that he has the support of the powerful Southern Viceroys.

UNCLE SAM AND RUSSIA IN HARMONY.

(Continued from page 1.)

the next step upon the Russian government.

The State Department yesterday sent specific instructions to Consul Wilcox to return to Hankow and resume his duties there, and to Consul Martin to return to Chin Kiang. These officers were allowed to leave their posts during the first flurry of excitement, but it is now believed that they may resume their duties without personal danger.

Mr. Conger's cablegram made public this morning is of special interest. It is a cause of his reference to the coming to Peking of Prince Ching. In a former dispatch Minister Conger stated that several members of the Tsung Li Yamen were in Peking and would soon appear publicly.

Prince Ching is well known to be friendly to the foreigners, and his coming to Peking, probably by direction of the Empress Dowager, indicates that the imperial government is willing to sue for terms, with the real purpose of submission. It is impossible to tell from Mr. Conger's dispatch what it was sent from Peking, but his statement that the imperial palace was to be entered last Tuesday places its date very early in the week, at least.

The Chinese Minister left at 10 o'clock this morning for Cape May, where he will join his wife. Before leaving he made a trip to the State Department and was with Acting Secretary Ade for a few minutes. He said he had received nothing from China and had come in quest of information. The Minister displayed great interest in the pending diplomatic negotiations between the powers. He went directly from the State Department to the train. His absence from the city at this time was taken as further evidence that there is a halt in negotiations so far as the Chinese officials are concerned. The Minister was quite anxious that his departure for Cape May should not be made known, and for that reason he left no word as to how long he would stay at the seashore.

The Russian Charge d'Affaires, M. DeWollant, also left Cape May, and in view of the part Russia is taking in the present negotiations, there is a possibility that the Minister and the Russian Charge may confer.

OFFICIAL TEXT OF CORRESPONDENCE CONCERNING CHINA.

Associated Press Dispatches by Special Wire.

WASHINGTON, Aug. 30.—The Associated Press is able to present the following text of official communications relating to China.

Telegram sent to the representatives of the United States in Berlin, Vienna, Paris, London, Rome, Tokio and St. Petersburg.

DEPARTMENT OF STATE, WASHINGTON, Aug. 21.—The following note was received by the United States from the Chinese government at Peking on this date: "The Chinese government at Peking has received a communication from the imperial government informing me of the restoration of the Admirals of the allied fleets interdicting the Plenipotentiary of the Chinese government, Li Hung Chang, from all communication with the Chinese authorities in the event of his arrival at Taku. This resolution being inexplicable in view of the fact that all powers have recognized the utility of admitting Li Hung Chang's services in the event of negotiations for peace, and especially because it would be impossible for him to fulfill his mission in the capacity of Plenipotentiary, this resolution would be desirable that the interested governments should give orders to countermand the above mentioned decision."

"Inquiry of Admiral Remy was first answered that no such resolution had been adopted. He now cables that the Admirals have agreed to write the Dean of the Legations at Peking instructing in case Li Hung Chang should arrive at Taku."

TAKU in the meantime not to allow him to communicate with Chinese shore authorities. Remy dissented from last proposition. We take the same view expressed in the Russian note. In this interest of peace and effective presentation of just demands of all powers against China, it seems important that the Chinese Plenipotentiary should be able to communicate both with his government and with the military command, whose action will be necessary to any suspension of hostilities as requested in telegram to the Dean of the Legations. Li Hung Chang is prima facie authorized by imperial decree to negotiate, and is the only representative of responsible authority in China, so far as we are advised. We have instructed our representative in China in the spirit of the Russian note. Any misunderstanding or divergent action of the representatives of the powers in China would be unfortunate, and we would be glad to learn from other powers if there is reason to believe that they have a judgment should lead to a view different from that which we take.

You will communicate this to the Minister of Chinese Affairs and await an early response.

"ADEE, Acting Secretary."

BOXERS HAVE A MORTAL FEAR OF OUR TROOPS.

Associated Press Dispatches by Special Wire.

MINNEAPOLIS, Minn., Aug. 30.—Edwin Graton passed through here en route to China today. Mr. Graton has represented an American concern in the Celestial Empire about ten years. He was in Peking at the time of the siege. With others he escaped by means of an old underground passage to a shack without the city walls. Speaking of the situation in China, Mr. Graton said:

"I think it will be a long time before any substantial peace negotiations can be started. The lack of co-operation on the part of the powers in China is the greatest barrier to peace that I can see. The Chinese soldiers are making a lot of the showing in the Orient. They are without question, respected to a greater extent and more feared by the Boxers than all the others combined."

RUSSIA MAKES PROPOSITIONS IN REGARD TO CHINA.

Associated Press Dispatches by Special Wire.

LONDON, Aug. 30.—The officers of the Foreign Office informed a representative of the Associated Press today that Russia made certain suggestions relative to China, but their unwillingness to consent to their publication at present.

CONVENTION OF INSURANCE MEN.

Associated Press Dispatches by Special Wire.

MINNEAPOLIS, Minn., Aug. 30.—The fifth annual convention of the National Association of Local Insurance Agents convened here today. In the absence of Mayor Ross, Corporation Counsel General J. E. Dow and the

WORK OF THE LODGES REVEALED.

The Fraternal Organizations Greatly Increase in Members.

Below will be found a resume of the principal happenings of the leading lodges of fraternal orders during the past week.

United Workmen.

Oak Leaf Lodge No. 35, A. O. U. W., had a large attendance at its meeting Monday evening.

On motion of Past Master Workman W. J. Hall, which was unanimously carried, the recorder was instructed to send a written vote of thanks, under the seal of the lodge, to the editor of THE EVENING TRIBUNE for the splendidly written history of the A. O. U. W. in California, which appeared in that newspaper last week.

Many present spoke in flattering terms in giving liberal space to the history of the A. O. U. W. in California, which appeared in that newspaper last week.

Degree of Honor.

Ivy Lodge No. 2, Degree of Honor, A. O. U. W., held a most enjoyable time Wednesday evening. The new degree ceremony presented a most enjoyable program. The tug-of-war competitors who won the cases of soda presented the same to the committee, who passed the bottles around and each sister enjoyed a round bottle.

Order of Eastern Star.

The school of instruction for Oak Leaf, Oakland and Unity Chapters, Order of Eastern Star, will be held Wednesday, September 5th, at Masonic Temple, under the direction of Fannie T. McCowan.

Scottish Clans.

What promises to be one of the best entertainments ever given by Clan Macdonald will take place tomorrow night in Fraternity Hall. The season's work of the clan has been heard at a clan concert which will take place. Scotch songs by Dr. Crawford, Wm. Angus, Robert Howden, Mrs. Blake, Alvinson and others to be the most exciting amongst the Scotch will be sung. This will conclude with the usual dance. The last meeting of the clan the paper given by Clansman Frank Davidson, endorsing the actions of the Anglo-Saxon races in China proved an interesting subject.

Odd Fellows.

Harbor Lodge No. 253, I. O. O. F., held a short business meeting last evening. The committee on by-laws made a report. On motion these by-laws are to be the special order of business for the next meeting.

Rebekahs.

Oakland Rebekah Lodge, No. 16, I. O. O. F., held another of its enjoyable sessions last Saturday evening. This lodge is working hard in conjunction with other Rebekah lodges of the district to make the benefit to the children at the Macdonough Theater September 3, 4, 5, 6, 7, to swell the Orphans' Home fund, a success.

Modern Trojans.

One of the pleasantest and most thor-

oughly enjoyable visitations made by any fraternal order in the Bay district was that of the Order of Modern Trojans, last Saturday, when over 100 members of the Oakland, San Francisco and Berkeley lodges went to Martinez as the guests of Alhambra Lodge, No. 16, of the order of that city.

The pilgrimage was made on a Sacramento River steamer which left the San Francisco dock at 1 o'clock p. m., arriving at Martinez shortly after 4 o'clock.

The visitors were met at the wharf by a delegation from the local lodge of that place and escorted to the Alhambra Hotel, where they were royally entertained.

In the evening, a delightful musical, dramatic and dramatic entertainment was given at the Opera House, the program being rendered by Berkeley Lodge talent.

It was pronounced the best program ever given in Martinez, and the delight of the large audience was frequently manifested by hearty applause.

At the close of the program, the Opera House floor was cleared for dancing, which continued until midnight.

The last feature of the entertainment was a banquet given by Alhambra Lodge to all of the visiting Trojans. It was a most delightful feature, too, and served to cement in particularly happy style the very creditable effort of the members of the Martinez lodge to entertain their visiting brothers and sisters in a manner which should reflect the highest credit upon their lodge and the order as a whole.

Returning home, the visitors came down the bay on the Pride of the River, arriving at San Francisco about 6 o'clock Sunday morning, all of the most delightful outings of their lives.

Knights of Pythias.

Live Oak Lodge, No. 17, at its regular session Wednesday evening, initiated a new member, F. D. Moore in the mysteries of the rank of Page.

Brothers Gans of Oakland Lodge, No. 10, K. of P. G. A. Taylor of Pythian Lodge, No. 43 of Woodland and others made a number of interesting remarks under the head of good of the order.

The application of another stranger has been received by the lodge.

Next Wednesday evening the lodge will confer the rank of Esquire on all brothers and visitors cordially invited to attend.

Oakland Lodge.

Aided by its well drilled and evenly balanced team, Oakland Lodge, at its assembly August 25, conferred the rank of Esquire in long form on Esquire N. L. Lancaster.

Besides the usual number of visitors from local lodges, there were present on this occasion several visiting brothers from various domains, one in particular a member of a lodge in Denver which has been that won several trophies at competition drills.

The brother has traveled extensively and takes a deep interest in Pythian affairs, consequently he was given a warm welcome and a warm manner in which the ranks were conferred. According to his judgment, the work as rendered by Oakland Lodge compared most favorably with the Denver branch of the organization than the work done by any other team that he had witnessed.

He admitted that, while a few of the parts were not quite as well illustrated as they might have been, others were far superior to any that he had ever seen. On this matter he was more than pleased with the accomplishment.

Visiting members from Suisun, Cascon, Nevada, Springfield, Ill., and Canton, Ohio, also enjoyed the new system of length with matters concerning affairs connected with the order in the various jurisdictions that they represented.

The conferring of the rank of page and the arduous task of esquire will be the attraction at the session of the lodge this evening.

Fraternal Brotherhood.

Oakland Lodge No. 12, of the Fraternal Brotherhood, has secured the new Woodman Hall on Twelfth street for its weekly meetings, commencing Friday, September 1st.

At the regular lodge meeting last Monday night a class of twenty-five candidates was initiated. This evening the lodge will have a large number of new members.

The proceeds will be used in establishing a sick benefit fund, which will be a most valuable feature of the Fraternal Brotherhood Dramatic Society will present the military drama "Between Two Fires" at the Dietz Opera House. The play will be followed by a social and dance.

The membership of this lodge now consists of two hundred men and two hundred ladies.

Companions of the Forest.

Tribe of the Forest Circle met at its lodge room last Tuesday evening. There was a large attendance and a number of applicants on hand to join the order.

Landers Stevens will put on a fine play for the benefit of the circle at Dwyer's Opera House in the near future. All members are requested to attend the meeting tomorrow evening. Business of importance will come up.

Daughters of Liberty.

Oakland Council, Daughters of Liberty, last Thursday night were obliged to surrender their charter.

They made a present of a beautiful flag and the regular meeting of the Washington Council of San Francisco.

This evening there will be an auction held at the Fraternity Hall, in which all the effects of the circle, including the Bible, magic lantern, table linen, screens, etc.

Nasonic.

There will be a called meeting tonight of Alcatraz Lodge No. 24, P. & A. M. The third degree will be conferred.

Rathbone Sisters.

Last Friday night Loyol Temple No. 47, Rathbone Sisters, elected their new members and on Friday night of this week four candidates will be initiated.

Tonight an entertainment and dance will be given at Pythian Hall. The entertainment will consist of "The Magic Mirror," which is not only amusing but also very interesting. The committee having this affair in charge is doing all in its power to make this a success. The handsome Rathbone pillow was carried away by First Sister Schuchman, who was the holder of the lucky number.

United Moderns.

A very interesting meeting of Oakland Lodge of United Moderns was held last evening at Fraternity Hall, Washington and Thirteenth streets. The attendance was exceptionally large, showing the growing interest in the order.

The lodge held a week ago, when a most pleasant entertainment was provided.

Unusual interest was shown in the business of the lodge, and under the head of good of the order a suggestion was made that the good work be kept up by giving another open meeting on September 13.

The expression in favor of this suggestion was so general that it was adopted and a committee was appointed to make all arrangements for an elaborate entertainment to be given in Foresters' Hall, Clay and Thirteenth streets, on the evening indicated.

A large number of applications were filed, and the list of candidates to be initiated at the next regular meeting has reached large proportions.

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oughly enjoyable visitations made by any fraternal order in the Bay district was that of the Order of Modern Trojans, last Saturday, when over 100 members of the Oakland, San Francisco and Berkeley lodges went to Martinez as the guests of Alhambra Lodge, No. 16, of the order of that city.

The pilgrimage was made on a Sacramento River steamer which left the San Francisco dock at 1 o'clock p. m., arriving at Martinez shortly after 4 o'clock.

The visitors were met at the wharf by a delegation from the local lodge of that place and escorted to the Alhambra Hotel, where they were royally entertained.

In the evening, a delightful musical, dramatic and dramatic entertainment was given at the Opera House, the program being rendered by Berkeley Lodge talent.

It was pronounced the best program ever given in Martinez, and the delight of the large audience was frequently manifested by hearty applause.

At the close of the program, the Opera House floor was cleared for dancing, which continued until midnight.

The last feature of the entertainment was a banquet given by Alhambra Lodge to all of the visiting Trojans. It was a most delightful feature, too, and served to cement in particularly happy style the very creditable effort of the members of the Martinez lodge to entertain their visiting brothers and sisters in a manner which should reflect the highest credit upon their lodge and the order as a whole.

Returning home, the visitors came down the bay on the Pride of the River, arriving at San Francisco about 6 o'clock Sunday morning, all of the most delightful outings of their lives.

Oakland Tribune

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Notice to Subscribers.

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The Tribune in San Francisco.

THE OAKLAND TRIBUNE will be found on sale in San Francisco every evening at the following news stands: Foster & O'Connell's, Ferry Building; Palace Hotel news stand; Grand Hotel news stand.

The Eastern offices of THE OAKLAND TRIBUNE are situated at 230 to 234 Temple Court, New York City, and at 217 and 223 E. S. Express Building, Chicago, with Mr. E. Katz as manager.

THE TRIBUNE can be found on file at the office of the California Paris Exposition Commission, 5 Place de l'Opera, Paris, France.

Amusements.

Macdonough—"40."

Dewey—"The Two Orphans."

Tivoli—"The Masked Ball."

Alcazar—"From Paris."

Orpheum—"Vaudeville."

Grand Opera House—"The Silver King."

Columbia—"The Only Way."

Picnics at Shell Mound Park.

September 2. San Francisco Schuetzen Verein, Captain John Thode.

September 4. St. Rose's Parish of San Francisco.

THURSDAY..... AUGUST 30, 1900.

In the matter of his credentials as an envoy to bring about peace, Li Hung Chang seems to be living up to the colloquial pronunciation of the first syllable of his name.

The effort of the czar to preserve the integrity of China is not particularly significant at this time. "The bear that walks like a man" is merely not yet ready to digest a full Mongolian meal. When he is China will suffer dismemberment.

Sacramento's Chief of Police proposes to knock out all precedents by refusing to allow the gamblers to keep open house while the State Fair is in progress. All sorts of bad results are in consequence being prophesied for the fair by those interested in the games, but Sacramento can certainly afford to take those chances, for if the State Fair is dependent upon gambling for its success, it is time to abolish it altogether.

REGISTER, REPUBLICANS!

It is again necessary to urge upon voters the necessity of registering. This duty is especially obligatory on Republicans. In this campaign it devolves upon them to uphold the honor of the Nation and sustain the stability of our financial system. They will be powerless to give aid to the country in this emergency unless they register. Ballots will decide whether this country is to continue prosperous and respected or will adopt a policy of repudiation and National dishonor. Therefore every Republican should register and vote, and every Republican should urge his neighbors to register and vote. Republican success cannot be secured if a full vote is polled.

The Republican State Committee has issued a circular calling the attention of Republicans to their duty in this matter. We trust the admonition will be heeded. Let nothing intervene to delay the performance of this important duty. It is the first obligation resting on the citizen, and one that should not under any circumstances be neglected. McKinley must not only be re-elected, but a Congress returned that will hold up his hands and support the policy of progress and prosperity. A Legislature should be elected that will cooperate with Governor Geary in his efforts to reform the management of public institutions and give the State an effective and economical administration. From every point of view there is seen the urgent necessity for Republicans to register their full strength. With a full vote, success is certain. Register at once, Republicans.

EDUCATIONAL CAMPAIGNS.

In enlisting the services of such well-known orators as Congressman Doliver, Senator Fairbanks and Congressman Little to stump California during the campaign, Chairman Stone of the Republican State Central Committee has secured some very effective political drawing cards. The gentlemen in question are all able speakers and of the highest caliber of the times, and they will play a prominent part in the educational work that is always necessary when false prophets of the Bryan type are abroad in the land.

The fight ahead, however, in that regard is nothing like as serious as it was four years ago. Then the question of whether silver or gold should be the dominant coin was a perplexing one, and especially in the West, where nearly all the State conventions had endorsed the white metal, there was grave work to do for those who were convinced that sound money was the only solution of the financial problem. How thoroughly that campaign was conducted was shown by the fact that some of the silver States such as California completely reversed sentiment and voted for the representatives of the gold standard. If, therefore, those in charge of the Republican fight could accomplish so much under such trying conditions, their task should be an easy one this year when the people are already fairly well convinced as to the campaign issues.

This, however, brings up again the continually mooted point of the necessity of doing thorough Republican work lest the old fable of the hare and the tortoise be enacted next November. There is no contest that demands such constant care and attention as does a political one, no matter how rosy the prospects may be, and for the Republicans to sit quietly down and rest upon their arms at this time would be to invite defeat. The Democratic leaders are working as they have never worked before. They know that inertia on the part of the Republicans gives them a splendid opportunity, and they are shrewd enough to take advantage of it. Prime issues are being warped and twisted to suit their convenience, and if the people only hear their side of the question it stands to reason that the constant dinning of such specious arguments into the minds of the voters will have more or less of the effect sought. This the Republicans must offset by hard work. Orators must dissect and dissipate the false assertions of the Bryanites; Republican campaign clubs must stir up as great and greater enthusiasm as those of the opposition; convincing literature must be circulated and every thrust of the enemy parried in a way that will aid in its own undoing. With such a system maintained from now until November the outcome is not even speculative. The Republican party will have as great a victory as in the days immediately following the Civil War.

WILL WE GAIN A CONGRESSMAN?

An important issue involved in the census statistics now being given out from Washington is as to how we are going to figure as regards additional representation in Congress. Before the enumeration was commenced it was regarded as a certainty that we would be allowed one and perhaps even two more Congressmen, but judging by the way things look now it is going to be nip and tuck as to whether we can increase our total to eight.

The method of apportioning Congressmen is contained in the Fourteenth amendment to the Federal Constitution and is as follows: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." The original article provides that this representation shall "be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons. The number of representatives shall not exceed one for every 30,000, but each State shall have at least one representative."

Under this system the ratio has gradually increased as each census has been taken, until in 1890 it had reached one Congressman for every 173,901 residents of California. In 1880 it was one for every 151,911; in 1870 the ratio was 131,435; in 1860, 127,381; in 1850, 93,433, and in 1840, 70,080, so allowing for a proportionate advance, the ratio this year will be about one Congressman for every 195,000. To secure eight Congressmen, therefore, would require a population of 1,560,000. It is a doubtful question, however, if we will reach this notch. In 1890 the State contained only 1,203,130 people, so this census will have to show a total increase of 356,870. It is hard to see where this advance can be obtained. In 1890 San Francisco contained nearly one-fourth of the entire population of the State, and as it has only increased 43,000 since, from that standpoint our total gain would not be much more than 175,000. This is scarcely a fair way of looking at the situation, however, owing to the scattering of the population of the metropolis in near-by cities such as Oakland, Alameda, Berkeley, San Rafael and so forth. Even figuring by a more optimistic method, though, it is impossible to locate the 356,870 desired. Allowing Oakland to have increased 30,000, Los Angeles 40,000, Fresno 7,000, Sacramento, Stockton, San Jose and San Diego 5,000 each, this would leave the rest of the State to furnish 216,000, and scarcely seems likely that it can do it, for in the agricultural sections population increases very slowly. It can be seen, therefore, that this additional Congressman for California is not quite such a sure thing as most people have been inclined to regard it.

JUDICIAL USURPATION.

Some of the Police Judges of San Francisco appear to be in need of instruction as to their powers and functions. They have no right to give plenary indulgence to commit crime nor have they been clothed with any authority to grant absolute pardon for murder. It is getting to be a common thing for them to discharge women who have made murderous assaults on their paramours when the evidence disclosed without question that a crime had been committed. It does not matter, so far as the legal authority of the magistrate goes, that the person assaulted is a worthless and dissolute member of society. The question is one of law and fact, so far as the Judge is concerned. The power to acquit rests solely with a jury. This disposition on the part of police magistrates invested only with committing powers in felony cases to override the law and usurp the functions of juries is a dangerous tendency.

In the latest case the popular verdict undoubtedly is "served him right." But it is not the business of a Police Judge to render this verdict. When he couples with this exercise of unlawful authority the statement from the bench that he is sorry the prisoner did not commit murder instead of attempting it, he disclosed a disregard for his oath of office that is shameful. The woman had undoubtedly committed a felony under the law. That her provocation was great is undeniable. It is true that the man she shot is a miserable wretch who richly deserved what he got.

But the fact remains that the examining magistrate had no authority to consider palliating circumstances or declare the prisoner acquitted of criminality. If he can do it in this instance he can do it in others.

Such abuses of authority always break down respect for the law and promote disrespect for the judiciary. The Judge allowed to be committed as lawless an act as would a mob had the woman been lynched. What he did was in utter defiance of the law and the facts. In exceeding his authority he violated the plain letter of the law and dismissed the statutes as so much waste paper. His duty in the matter was simple. It was first to ascertain with reasonable certainty that the woman shot the man, and second to inquire if she had any legal justification for her act. If she did the shooting without legal justification it was his sworn duty to commit her for trial. There was nothing else for him to do. The woman did not deny the shooting and did not even claim a legal justification. On the contrary, her excuse was a moral one, and her only regret was one shared by many that she had not killed him. Her acquittal would probably have followed trial in the Superior Court, but the Police Judge had no business to anticipate the judgment by a usurpation of authority and jury functions. It looks like a piece of cheap demagoguery on the bench. It is a dangerous precedent from whatever point it is examined, and it is all the more so as it is simply an illustration of the tendency of petty magistrates in this State to assume the powers of life and death over people. Sooner or later a halt must be called in this business. Ministers of the law cannot be permitted to make law and violate law at their pleasure. That is the way to destroy the law and bring the judiciary into contempt.

The Duke of Manchester has been officially declared a bankrupt. His blue blood is apparently enough now, for he certainly must feel that way in view of the showing that he has been compelled to resign from all the clubs owing to a lack of money to pay his dues. However, he should cheer up. Those strawberry leaves of his are still ripe and there are a few American heiresses left who will be willing to exchange the hard-earned money of their parents for the privilege of wearing a coronet.

The Democrats of Pennsylvania are beginning to get into line to fight Matthew Stanley Quay. Upon reflection, there does not seem to be anything particularly new or strange in this announcement. The Democrats of Pennsylvania have always been in line to fight Matthew Stanley Quay, and they have always been ready to run when he said "Boo!" to them. That, in effect, seems to be the worst of Mr. Quay's offending.

The Chinese officials are indignant because the allies are going to keep Li Hung Chang a prisoner on board ship until some agreement is reached as to a total cessation of hostilities. They evidently overlook the fact, though, that the yamens old Li has been spinning of late in his attempt to be upon both sides of the fence at the same time are best suited for an audience of marines.

Bresci the anarchist who killed King Humbert, has been sentenced to imprisonment for life. This, coming on the heels of the story that he refuses to eat in jail and is slowly starving to death conveys the idea that they are willing that he shall endure a long, lingering finale instead of winding up all his troubles on the scaffold in one minute.

Prize fighting has cost New Yorkers two and one-half million dollars in four years. But look at the improving conversation they have had thrown in for nothing!

Republican miners in Amador county have formed a drill corps. No one should question their ability in that line.

UPWARD TREND OF IRON TRADE.

From All Sections an Increased Demand Is Reported.

Associated Press Dispatches by

The Tribune Special Local Wire.

CLEVELAND, Ohio, Aug. 30.—The Iron

Trade Review this week will say:

"The improvement in the iron trade is spreading. Pig iron is showing, as it has not before, the activity that appeared five weeks ago in finished material, and the mills are adding to their booked tonnage, though not at the rate of early August when the large contracts for bars were placed. The pig iron market is repeating the history made in finished lines. With buyers really ready to take hold the producers are quoting prices below expectations, considering present high costs of material and labor, and it is plain that the cost line has been crossed for some furnaces that are still in blast. Important producers, able to sell at the high prices reported, are refusing to go below an announced minimum. On Southern iron this is \$11 Birmingham for No. 2 foundry, though sales have been made at \$10.25 and \$10.50, and it is understood Western deliveries have been made at figures netting \$10.19 at Southern furnaces. Similarly Northern iron has yielded in the face of actual demand, and while \$5 at Central Western furnaces for No. 2 foundry was considered minimum a few weeks ago, \$4 has been done and it is understood iron has sold delivered 100 miles distant from furnace at \$4. Further east as low as \$12.50 at furnace for No. 2 foundry in 1900 and 2000 ton lots has been quoted, deliveries extending over the next few months; but it is felt that some of the lowest sellers of the past two weeks are now about 50 cents higher, having taken orders that will tide over the immediate future.

Others apparently prefer to tide over by carrying the iron, expressing confidence in higher values before the end of the year. Very low figures were made on some of the recent purchases by pig foundries, \$3.50 for No. 3 Southern and \$3 for No. 4 having been touched.

But apart from prices, which are perhaps secondary in view of the long attention of pig iron buyers from the market, the prominent fact in the situation is the amount of buying and inquiry for iron, and the participation of all sections in the demand. The most significant development in business iron is the refusal of the furnace men to accept an order at current prices calling for delivery beyond the end of the year, their policy being based on the expectation of an improvement later in the year, resulting from the heroic curtailment of production now under way.

Plate and bar mills are now perhaps more pronounced in their stand for higher prices; and \$1.10 cents Pittsburgh is now considered minimum on large orders of either plates or steel bars. There has been more business in bar iron and the feeling is general that Western mills will start early in September. Structural mills are still pushing for business. While the reduction of \$1.50 has brought out delayed orders, the mills are still far from comfortable for the immediate future.

New vessel building continues to be an important factor in the Central West and upward of 30,000 tons of steel has been placed for the full and winter work. Export trade in billets, sheet bars and finished steel is more and more promising. Orders are being taken every week, since foreign prices have receded only a fraction of the fall in the home market. More could be done if preferential rates were given by the railroads on export steel going to seaboard.

Charles King, a member of the Oakland Stock Company, met with a peculiar accident last evening while riding the villain's part in the play at the Macdonough Theater. While drawing a bow to his belt, he accidentally sawed his thumb off the thumb of his left hand, and caused considerable commotion among the audience. Mr. King was taken to the receiving hospital where his thumb was dressed by Steward Page.

Secretary Jacks Remains. It is definitely announced that Secretary Noel H. Jacks of the local Y. M. C. A. has declined the offer made him by the Nashville society to go there.

Secretary Jacks gives as his chief reason for remaining in Oakland the very creditable desire to successfully carry out the present plans for clearing the society here from its present debt.

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The Bridal Feast

Is not infrequently followed by a long, lean period of enforced fasting and fleshly mortification. The cheek grows hollow, the eyes are dull and deep ringed, and the step is slow and languid. There is an "all dragged-out feeling," which makes life an utter burden. The great functional changes which follow marriage are not usually anticipated, or the wife suffering might be avoided.

Dr. Pierce's Favorite Prescription is the best friend of weak and sickly women. It cures the womanly diseases that rob the eye of brightness and the step of lightness. It tones up the system and establishes the womanly organism on a basis of sound health.

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Send for FREE circular and testimonials.
P.O. Box 2076, San Francisco, Cal.
1514 Street, Oakland.

BURGERS IN FULL FLIGHT.

Belief in London That
the War Is About
Ended.

Associated Press Dispatches by
The Tribune's Special Telex Wire.
NEW YORK, Aug. 29.—A dispatch to the Tribune from London says:
There is a very buoyant feeling in the city, the clubs and the public offices and, in fact, London generally, due to the prevailing impression that the South African war is running out to its last stage. Lord Roberts' last dispatch shows that the salient points on both wings of General Botha's position have been carried in Bulter's advance. The troops occupied Mafeking, President Kruger's most recent capital, on Tuesday. The Boers evacuated this place with great precipitation, but this was probably with knowledge of French's movements. The British cavalry general had worked right around the north of the Boer lines and was almost opposite Botha's position and a few miles from him at Elandsfontein. Thus, unless the Boers had decamped hastily, they would have found themselves caught between two British columns and could scarcely have saved their guns and transport. Whether they will be able to accomplish their escape seems very uncertain. They were facing Bulter's troops in the rocky position called Helvetia, but they cannot stay there long without being surrounded as the English divisions come up. If their intention is to prolong resistance further, their only hope seems to be to retire to the mountainous Lydenburg region and subsequently to the northern Transvaal.

There are, however, persistent reports that the capture of the Delagoa Bay Railway by Lord Roberts will be accepted by him as final proof of defeat. It is even reported by correspondents at the front that General Botha told his burghers that he would not expect them to fight after their retreat from Mafeking, and that after the surrender of that place they could consider themselves free to disperse to their own homes. Still it must be remembered that similar reports have been heard frequently enough before and have turned out to be ill founded.

A curious scene was witnessed at the Colonial Office buildings recently. Last week some hundreds of destitute Russian and other foreign refugees from Johannesburg arrived at the London docks. The British government had no legal power to prevent them landing, but they were anxious to get rid of them and sent down agents to the steamer offering each of these foreigners a free passage to their native country and one sovereign to assist him on his voyage. Most of the strangers declined the offer and insisted on staying in London. Finally a number of them presented themselves at the Colonial Office, apparently desiring to urge a claim for compensation for being expelled or for their means of livelihood in the Transvaal. They were a talkative, gesticulating lot, very dirty and shabby, but quite peaceable and by no means in the depth of poverty. The Colonial Office officials turned them over to the War Office, which passed them on to their respective consuls, who will certainly find a good deal of difficulty in inducing them to return to the various places they seem most anxious to avoid—that is to say, their countries of origin.

STEAMER WRECKED ON ALASKAN COAST.

Associated Press Dispatches by
The Tribune's Special Telex Wire.
PORT TOWNSEND, Wash., Aug. 29.—The steamer Topeka arrived from the north at 11 o'clock tonight with 150 passengers and \$300,000 in gold dust. Officers of the Topeka report that the British steamer Cutch ashore on Horseshoe Reef in Stephens Passage, twenty-five miles from Juneau. At low tide the Cutch is high and dry and is badly damaged. The Cutch was in charge of the second officer when she struck on the night of August 21 and rapidly filled with water. The sea was smooth at the time and the passengers and crew succeeded in reaching the beach, where they were clamped when the Topeka passed. The Topeka offered assistance, which was refused, but the cargo was being thrown overboard. The steamer Flossie from Treadwell was dispatched to the assistance of the wrecked vessel, but it was thought she would become a total wreck, as she was full of water and rapidly settling.

PRODUCE MARKET.

SPOT WHEAT—Shipping, \$1.05; milling, \$1.04 1/2.
BAY—\$1.05 for No. 1 and \$1.04 1/2 for No. 2; milling and shipping grades, \$1.05; Chevalier, nominal.
WHEAT—\$1.05 for No. 1 and \$1.04 1/2 for No. 2; milling and shipping grades, \$1.05; Chevalier, nominal.
CORN—All descriptions are quoted at \$1.25 1/2 without distinction.
RICE—\$1.25 1/2 per cwt. The market continues quiet.
BEANS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
PEAS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
LIMA—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
MILK—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
EGGS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
BUTTER—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
CHEESE—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
MEAT—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
POULTRY—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
FISH—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
FRUIT—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
VEGETABLES—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
SPICES—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
HONEY—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
SUGAR—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
COFFEE—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
TEA—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
CIGARS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
TOBACCO—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
CLOTHING—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
SHOES—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
HATS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
JEWELRY—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
WATCHES—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
GAMES—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
TOYS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
BOOKS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
PAPERS—\$1.25 1/2 for No. 1 and \$1.24 1/2 for No. 2.
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RAILROADS.
SOUTHERN PACIFIC COMPANY
Trains are Due to Arrive and Leave
OAKLAND
NINETEENTH STREET STATION.
Leave. From August 12, 1900. Arrive.
7:34 A. Benicia, Suisun, Ramsey, Sacramento, 7:34 P.
8:04 A. Shasta Express, Davis, Williams, Red Bluff, Portland, 7:34 P.
8:04 A. Vallejo, Napa, Calistoga, Santa Rosa, Martinez and San Ramon, 7:34 P.
8:36 A. Davis, Woodland, Knights Landing, Marysville and Oroville, 7:34 P.
8:36 A. Los Angeles Express, Stockton, Fresno, Santa Barbara and Los Angeles, 7:34 P.
8:36 A. Atlantic Express, Ogden and Salt Lake, 7:34 P.
10:01 A. Vallejo, Martinez and way stations, 5:14 P.
10:36 A. The Overland Limited, Ogden, Omaha, Chicago, 4:48 P.
10:36 A. Vallejo, Napa, Calistoga, Santa Rosa, Martinez and San Ramon, 4:48 P.
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GRAND ARMY'S NEW COMMANDER

Judge Leo Rassieur of
St. Louis Chosen By
Acclamation.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
CHICAGO, Aug. 30.—Judge
Leo Rassieur of St. Louis was to-
day elected by acclamation Com-
mander-in-Chief of the G. A. R. for
the ensuing year. There was no
opposition and the election went
through with a hurrah. D. C.
Milliken of Maine was chosen se-
nior vice-commander and Frank
Seamons of Tennessee junior vice-
commander. John A. Wilkins,
Delta, Ohio, surgeon-general, Rev.
A. H. Drahts, San Quentin, Cal.,
chaplain-in-chief.

There was no opposition to any
of the candidates.
The convention met at 9:30
o'clock, and after some matters of
a routine nature had been disposed
of the selection of a commander-in-
chief was taken up. Adjutant-Gen-
eral Stuart announcing that nomi-
nations were in order. It was
known to all what the result would
be, as there was no opposition to
Judge Rassieur, and when Major
Wm. Warner of Kansas City, him-
self a past commander-in-chief,
mounted the platform to put the
name of Judge Rassieur, he was
greeted with prolonged applause.
He spoke in part as follows:

"Battles fought in liberty's cause
go into song and story. Deeds of
heroism are immortal. No more
precious legacy was ever bequeathed
by father to son than that be-
queathed by the soldiers of the Re-
public who marched to the front at
the call of him who 'proclaimed a
year of national jubilee to a race.'
In the darkest hour of the Civil
War the men composing the Union
army and navy of '61 and '65 never
despaired of the Republic. Their
survivors who compose the G. A.
R. in the days of the nation's great-
est prosperity are not pessimistic.
They do not view with alarm new
questions that demand solution.
They have now, as then, confidence
in the capacity and loyalty of these
free people to settle all questions
affecting our nation whether at
home or abroad. A comrade can
have no more laudable ambition
than to be commander-in-chief of
this, the greatest of all civic orga-
nizations, an organization on whose
roll of membership are found the
names of the nation's most illustri-
ous citizens and statesmen; an or-
ganization that demands that its
commander-in-chief shall be a
firm, fearless and unflinching de-
fender of the rights of him who
hath borne the battle, and of his
widow and orphan; an organiza-
tion that will make no mistake by
electing as its commander-in-chief
Comrade Leo Rassieur of Mis-
souri."

When the applause that greeted
Major Warner's address had died
away, Judge Advocate General Eli
Torrance made a short seconding
speech and asked if there were any
more nominations to be made. A
motion was made that Judge Ras-
sieur be declared elected by accla-
mation and it was carried with a
roar of approval.
The newly elected commander-
in-chief was escorted to the plat-
form and expressed his thanks for
the honor done in a brief speech of
acceptance. He said:
"I am overwhelmed by the man-
ner in which you have manifested
your favor for me on this occasion.
I would have to be untrue to my-
self if I did not realize the compli-
ment you have paid me."

ST. LOUIS, Aug. 30.—Judge
Leo Rassieur, who was today
elected commander-in-chief of the
G. A. R., was born in Alsace, Ger-
many, in 1844. His people came to
this country in 1849, settling in St.
Louis. At the breaking out of the
civil war Leo Rassieur, who was 17
years old, enlisted as a private in
the Thirtieth Missouri. He readily
rose through the ranks, and at the
end of the war had a Major's bre-
vet. In addition to his services in
the Union army, Judge Rassieur
has been a member of the St. Louis
Board of Education five years,
and attorney for the board ten
years. He has spent four years on
the bench of the Probate Court of
St. Louis, organized and served as
president of the Western Rowing
Club, as well as becoming one of
this city's most prominent citizens.
He is a member of Frank P. Blair
Post, G. A. R.

The new president immediately
appointed Mrs. Fannie D. W. Har-
tin of Denver national secretary.

"While I have no disposition to
take your time for the purpose of
outlining the work to be done dur-
ing the next year, it does seem to
me proper that I should say to you
that all the ability which I possess
shall be devoted to the work of this
grand organization in order that it
may have an honest and reliable
administration, so that every com-
rade may be heard in reference to
any and every subject that he deems
of importance to the national or-
ganization. I appreciate that in
that way the best work can be per-
formed. I appreciate that this elec-
tion confers upon me an honor sec-
ond to none that can be given in
this country. It comes from an
organization that represents those
that served this country in its
greatest perils. The past thirty-
five years have shown the won-
derful results that followed the sac-
rifices made by those who have
passed away. I believe that we
are still upon the threshold of a
great destiny before us. However
great the future may be, all will be
owing to the old soldiers who
fought that the country might be
preserved one and indivisible. It
shall be my duty to have that fact
brought home on every proper oc-
casion, and as long as I have the
voice to prevent it being lost sight
of, that voice shall urge upon our
people the beauty of being just
and generous to those who did so
much for this country. In the
name of my comrades and in my
own name, I thank you from the
bottom of my heart for what you
have done this day, and I hope the
end of this administration and the
work done during the coming year
will justify you and lead you to say
that this day's work is not to be
regretted and is well done."

The pension report was adopted
without discussion, it being under-
stood that a determined effort will
be made to induce Congress to ap-
point a court of appeals to have
final jurisdiction in matters relat-
ing to pensions.

The question of finances, tempo-
rarily postponed for the special or-
der of the day, was again taken up
and disposed of by the adoption of
a motion to strike out the part pro-
viding for an increase of the per
capita tax and making no change in
the present situation.

The report of the committee on
military instruction was also read
and adopted, recommending the
sending of national deputations to
Hawaii and the Philippines.

It was announced that the or-
ganization was \$30,000 in debt and
the amount was promptly raised
upon the floor of the hall.

The convention then took a re-
cess until 2:30 p. m.

Mary L. Carr of Colorado was
today elected national president of
the Women's Relief Corps.

The other candidates withdrew
and the election was made by ac-
clamation.

ST. LOUIS, Aug. 30.—Judge
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elected commander-in-chief of the
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He is a member of Frank P. Blair
Post, G. A. R.

The new president immediately
appointed Mrs. Fannie D. W. Har-
tin of Denver national secretary.

H. E. HUNTINGTON TO BE PRESIDENT.

Directors in No Hurry
to Fill Existing
Vacancy.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—The Tribune
prints the following:
The directors of the Southern Pacific
Railway will meet in this city next week,
but contrary to published reports, no elec-
tion will be held to fill the vacancy in the
presidency caused by the death of
C. P. Huntington. Resolutions of con-
dolence will be passed, and routine matters
only will be discussed.
Charles H. Tweed, second vice president
of the road, said last night that the direc-
tors were in no particular hurry to ap-
point a successor to Mr. Huntington, and
that, if only from feelings of delicacy,
the board would wait some time before
selecting a new president. While Mr.
Tweed would not commit himself to any
expression of opinion as to the probability
of the election of H. E. Huntington to the
presidency it is generally believed that
he will be chosen to occupy his uncle's
place. Mr. Tweed himself has been men-
tioned in connection with the presidency,
but he has taken pains to discourage the
suggestion. It is possible, however, that
he may be made chairman of the board of
directors.

GERMANS FEAR KAISER'S PLANS.

Ambitious Projects in
the Far East Arouse
Hostility.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—A dispatch to the
Tribune from London says:

The British Foreign Office has so far
neither definitely consented nor declined
to conduct negotiations through Lord Huns-
ton in principle Lord Salisbury is by no
means unfavourable to the recognition
of the Viceroy as plenipotentiary, pro-
vided he can produce satisfactory creden-
tials and give guarantees that any en-
gagements made by him could be regard-
ed as binding on the government of Chi-
na. It is not forgotten here that the ne-
gotiations which led to the Chafon con-
vention Earl Li was again and again
repudiated by the Tsung Li Yamen
and that he had given the British gov-
ernment to understand that he had full
powers to negotiate.

A good deal of interest has been created
by the announcement of an official organ
in Berlin that no aggressive or expansion-
ist policy in China would be regarded
favorably by the German government.
This is taken in some quarters as a sign
that the Kaiser has abandoned his mil-
itary designs in the Far East outlined in
his recent speeches, but the explanation
is to be found in the attitude of almost
all influential German newspapers outside
the official ring, which have given ex-
pression to a feeling of alarm created in
the fatherland by the suspicion that the
Emperor desires to plunge the country
into a series of hazardous adventures in
Eastern Asia. This apprehension is not
confined to radical and socialist organs;
it is freely expressed by conservative
journals and even by some of those which
usually take up strong imperialist lines.
A parliamentary crisis and a refusal of
supplies are openly threatened if the ad-
ministration persists in any such projects.
opposed to the activity, common
sense and business interests of the Ger-
man people.

Nevertheless, well-informed persons
here continue to maintain that there is an
understanding between the German
and Russian governments on the territory
projected. Everything will be done to
facilitate a peaceful settlement with the
Chinese government and the retirement
as soon as circumstances allow of the al-
lied troops. But Russia, supported by
Germany will endeavor to assert the right
of those powers specially injured by the
recent Chinese policy to obtain territorial
compensation.

NEGROES FILE DAMAGE CLAIMS.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—Frank Moss has
been retained by a committee of repre-
sentative colored men to see what action
can be taken to punish the persons who
were implicated in the recent outbreak
against the negroes in this city. Mr. Moss
will also represent the City Vigilance
League in similar action, and an effort
will be made to gather sufficient evidence
to convict those who were guilty.
Mr. Moss declines to make public the
names of the colored men who have re-
tained him.
Four more claims aggregating \$60,000
were filed against the city today by col-
ored men who claim to have been assau-
lted by police during the race troubles.
The total claims now on file amount to
\$185,000.

CAPTURE OF A NEGRO MURDERER.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—John Davis, alias
"Lampighter," the negro who on Satur-
day at midnight shot and dangerously
wounded John Brennan, and over which
shooting the several lynchings of Sun-
day broke out in this city, has been ar-
rested. He was found in a tenement
house occupied by negroes, where he was
locked in one of the rooms. When the
police caught him he begged them to see
that he was not lynched.
Being taken before Brennan at the hos-
pital, the prisoner was identified by the
wounded man, who is not expected to live
many hours.

POWER OF MORMONISM.

Rev. N. E. Clemenson
Tells of Its Growing
Influence.

Rev. N. E. Clemenson of Logan, Utah,
addressed a large audience at the Pres-
byterian Church last evening upon the
power of Mormonism. The wonderful
growth of the Mormon Church and re-
ligion and the power it has attained was
reviewed by the speaker, and its political
organization was described. Under the
captivation after the introduction in Con-
gress of the disfranchising bill of 1890 the
State went forward for six years, when
during a church convention an order was
printed to the effect that anyone desiring
to run for office must first get the consent
of his five superiors in the church.

Mr. Clemenson depicted most strenu-
ously to this forthright his political freedom,
which had been restored to him, and for
a time he fought the order, but was finally
forced to give in. Moses Thatcher, a
most brilliant man, fought it for eighteen
months and then gave in. During that
eighteen months Thatcher suffered great-
ly in business and in his family. He was
a religious man, a firm believer in the
church and he was a man of a great deal
of influence among the younger men.
Being unable to continue in his gov-
ernment position, he was forced to give
up the fight which he saw could not
be won. The strength of the church in
politics was again demonstrated when
in a convention which was not in favor of
him B. N. Roberts was nominated for
Congress. When that convention assem-
bled its delegates were by a majority in
favor of another man, but an apostate of
the church passed through the conven-
tion, going to first one and then another
delegation, and when it came to a vote
Roberts was nominated.

Continuing, the speaker referred to the
power of the church over the courts,
where it was to be seen in judgments,
and its extent to the Legislature. He told
how the Legislature of Idaho with 1,000
more voters out of a total of
20,000 made a law which was not in
favor of the church, and he spoke of the
leaders of the church to colonize in Ne-
vada as being in the hands of the church.
He told how the church in Arizona, where
their power would soon become so great
that the church would practically name
the two senators from that State, and
Idaho, which would give it such a
power in the government that it would
become a great menace to the country.

THEY WANT TO WORK BEHIND CLOSED DOORS.

The Domestic Science Department of
the Oakland Club held a meeting yes-
terday afternoon and decided to keep
from the public the report of the Audit-
ing and Finance Committee. This was
done only by adjourning the meeting.
When the report was called for a motion
was made to have the body go into
executive session. There were several
reporters present. The motion was lost
by a vote of 10 to 8. A motion to ad-
journ was then made and carried. Mem-
bers of the committee stated that they
were all in favor of excluding the re-
porters but that they did not desire to
humiliate them by a vote to that effect.
It was for that reason that they agreed
to adjourn.

Members of the Committee privately
stated that they could not determine
whether the report of the Auditing
Committee was correct or not and that
they might be obliged to hire an expert
for the purpose of ascertaining what the
report meant.

CASES OF DISTURBERS AT THE POLLS CALLED.

The cases of the men arrested for dis-
turbances at the polls at Saturday's
primaries were called before Police
Judge Smith this morning. That of
Harry Smith for using vulgar language
was continued until tomorrow to be
set. John Gray for the same offense was
ordered to appear for trial this after-
noon. The case of A. J. Lefort was set
for September 5th for trial and that of
Ed Troy, the fifth man whom a com-
plaint and warrant had been issued, had
not been arrested up to the hour of call-
ing the calendar.

Clark Is Acquitted.
The jury which has been sitting in the
case of Fred Clark, the Alameda assau-
lted man, charged with criminal assault,
returned a verdict of not guilty last ev-
ening after deliberating for six hours.

Pond's Extract

Used over Half a Century

CURES
SUNBURN
CHAFING
MOSQUITO BITES
ITCHING
SCRATCHES
SPRAINS
STIFFNESS
FATIGUE
and
ALL PAIN

Note this Pac-
Simile and
Refuse the
Preparations
represented to
be "the same
as"
Pond's Extract.

CIVIL RULE FOR THE PHILIPPINES.

The Taft Commission
Has Perfected All
Arrangements.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—A special to the
Herald from Washington says:
All arrangements have been practically
perfected by the Taft commission for
commencing its duties in connection with
the establishment of civil government in
the Philippines.
The commission will assume on Sep-
tember 1 all the functions which properly be-
long to the legislative branch of the Gov-
ernment. It is not proposed that it shall
be in supreme control. Major General
MacArthur will be the executive of the
islands, and the commission will be co-
ordinate with him, just as the executive
and legislative branches in the United
States are co-ordinate.

Civil government will not be established
except in those towns where the military
authorities are satisfied there is no danger
of insurrection. The commission and the
military will work together to propitiate
the natives and induce them to return
to their peaceful avocations. For the sup-
pression of those insurgents who continue
in arms it is understood measures will
be taken as soon as the dry season be-
gins. General MacArthur will soon have
a force of nearly 70,000 effective men, who
will be used to destroy the insurgent or-
ganizations when operations can begin.

ESTATES OF THE DEAD IN THE PROBATE COURT.

Charles W. Palm applied yesterday af-
ternoon for letters on the estate of his
uncle, Warren D. Heaton, who died last
Sunday, leaving an estate valued
in the neighborhood of \$50,000. Search
has been made for a will, but none has
been found. The heirs of the estate are
his sister, Adelaide M. Palm, and a nephew
and two nieces of deceased residing in
the East. Edwin E. McGee and
Henry C. McKee appear as attorneys
for petitioner.

The will of Mary P. O'Neill, widow of
the late Ex-Assemblyman Hugh O'Neill,
who died August 21st, was filed for probate
yesterday afternoon by her mother,
Catherine N. Sincow, who applies as ad-
ministrator. The estate consists of realty in
Yolo county valued at about \$10,000, Mary-
lands realty valued at \$1,500, and about
\$1,000 on deposit to the Hawaiian Bank,
San Francisco. The will bears date of
February 22, 1900, and by its terms the
bulk of the estate goes to the petitioning
mother.

Theodore F. Mock, executor of the will
of Eliza A. Mock, has been empowered
to raise \$12,000 on a mortgage upon certain
realty of the estate.

UNIONS APPROPRIATING FUNDS FOR STRIKERS.

Union men are preparing for a long
fight in the matter of the union's strike.
The union is affiliated with building trades and
appropriating funds for the support of
the striking employees against the time it
may be needed to strike a corporation.
Among others, has voted a jump sum of
\$500 and offered to assess their members
25 cents weekly to add to the fund. This build-
ing trades union claims to have a fund of
\$100,000 and says they are in a position to continue
the strike indefinitely.

COMPLAINT AGAINST DONELLAN DISMISSED.

A disturbance of the peace complaint
two years ago against Reese J. Donnellan
was called in the Police Court this morn-
ing and dismissed on motion of the pro-
secuting attorney.
Donnellan and another man were fight-
ing two years ago out on Telegraph ave-
nue, and the result of the fight was that
Donnellan was injured and his opponent
was killed. The latter was tried and his
case was dismissed. The man who was
killed was named "Nick" Williams and
has been pending for two years, and yes-
terday he was arrested.

MARTIN CASE TO BE HEARD IN TRINITY.

The Supreme Court has denied the peti-
tion of Isabella J. Martin of Oakland
that the record of the habeas corpus pro-
ceedings on behalf of her minor son,
John B. Martin, be transferred from
Trinity county to Alameda county. Mrs.
Martin's son is in the Alms house in Trin-
ity county and she is seeking to get him
released. Last week the Supreme Court
granted her a writ of habeas corpus on
behalf of her son and made it return-
able before Superior Judge H. P. Jones
of Trinity county. On September 1st
next, Mr. Martin is petitioning to have
the matter heard in Alameda county as-
serting that she could not get a fair hear-
ing in Trinity county.

W. B. ENGLISH BACK AGAIN FROM THE NORTH.

Ex-Congressman Warren B. English
has returned from his trip up North and
speaking of his journey says:
I did not go as far as Nome and
know nothing of the conditions there
except what I have been told. The al-
leged rich sand at Red River beach on
Kodiak Island is no better than that of
the rest of the beaches. The most im-
portant discovery is that of a rich cop-
per ledge at Valdez, on Prince William
Sound. Capital has already been at-
tracted there in the person of Million-
aire Walker of Milwaukee.

Labor Day Marshals.

The aids to the grand marshal and
marshals of divisions of the Labor Day
parade are requested to meet at the
Building Trades headquarters, 1068
Broadway, Sunday afternoon, Septem-
ber 2d, at which time the sashes will be
distributed and a formula of the parade
will be submitted to them.

Montreal Fire.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
MONTREAL, Aug. 30.—Fire last night
caused by spontaneous combustion of
\$50,000 damage to the contents and building
of the storage department of the St.
Anne's cotton mill, owned by the Do-
minion Cotton Company.

BOUTELLE MAY YET RECOVER.

Congressman's Malady
Being Gradually
Overcome.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
BANGOR, Maine, Aug. 30.—The con-
dition of Charles A. Boutelle, member of
Congress for the Fourth Maine district
and candidate for re-election, is a mat-
ter of great interest in political circles
generally as well as to the people of his
district and all of Maine.
When Congressman Boutelle was stricken
at Young's Hotel, Boston, last win-
ter, his trouble was gastric vertigo; he
was never afflicted with Bright's disease.
When he left his room at the hotel and
made his way to the parlor, where an at-
tempt was made by the attendant to re-
strain him, there ensued a struggle which
caused him hemorrhage, flooding the brain
with blood. This blood had long since
been absorbed, and the trouble since then
has not been as reported so frequently,
a blood clot on the brain, but a crystalliza-
tion of blood in the veins of the head,
causing those veins to clog and become
distended at times so as to press upon
the mental tissues, resulting in blurring
of the faculties and occasional suspen-
sion, to some extent, of intellectual ac-
tivity. This crystallization of blood, it is
claimed, is being gradually overcome, the
natural tendency of the blood to throw off
impurities assisting materially in the pro-
cess, so that, although Mr. Boutelle's
case has been and is still serious, there is
ground for hope and good reason to ex-
pect that in course of time he will recov-
er completely.

It is not thought that he could safely
resume active work for some time after
his discharge from the sanatorium. By
the advice of his physicians he will take
a long rest.

SMITH WILL PROBABLY ASK FOR NEW TRIAL.

Charles A. H. Smith, who was convicted
by a Police Court jury of having sold
liquor to a minor, has been sentenced to
imprisonment, but his case went over until
September 1, as it is understood his attorney,
L. S. Church, is preparing a motion for
a new trial. Mr. Smith is charged with vi-
olating the liquor ordinance, will be tried
by a jury on September 14.

Missing Missionaries.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
BOSTON, Aug. 30.—The greatest an-
xiety of the American Board relates to its
group of missionaries in the province of
Shansi. Nothing whatever has been
heard from them since early in June.
The missing missionaries are Rev. and
Mrs. D. H. Clapp, Rev. C. L. Williams,
Rev. E. W. Davis, Miss Rowena Bird and
Miss Mary L. Partridge of the Taku sta-
tion; and Rev. and Mrs. Charles W. Peles,
Rev. and Mrs. E. E. Atwood and several
children of the Pen Chow Fu station.

Noted Specialist Dead.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—Dr. Frank Ste-
phen Milburn, a well known specialist of
diseases of the eye, ear, nose and throat,
is dead at his home in Brooklyn, aged 41.
He was a native of the province of New
Brunswick, and after practicing for some
years in Nova Scotia and in the City of
Boston, came to New York, where he was
born and settled in Brooklyn. He leaves
a widow, but no children.

Emergency Operation.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
CHICAGO, Aug. 30.—Ex-Mayor John P.
Hopkins was operated on for appendicitis
last night at Mercy Hospital. It was an
emergency case. Mr. Hopkins was taken
ill while in the city, and was about 60
and returned to his home. A physician
diagnosed the case and decided upon an
immediate operation. It was announced
the patient's condition afterwards was
good and that he would recover.

Bicyclist's Bad Fall.

Irving Palmer, a groom of Fourteenth
and Market streets, fell from a bicycle on
Market street, near Twenty-second, last
evening and was painfully injured. When
assistance reached him he was in a "bad
condition." While being removed to the
Receiving Hospital Palmer recovered
somewhat. It was found that, although
he had suffered a severe shock and many
bruises, no bones were broken and Palmer
was not otherwise injured. He remained
at the hospital all night, but left this
morning, apparently none the worse for
his tumble.

Bismarck's Iron Nerve.

Was the result of his splendid health. In-
doubtable will and tremendous energy are
not found where stomach, liver, kidneys
and bowels are out of order. If you want
these qualities and the success they bring,
use Dr. King's New Life Pills. They de-
velop every power of brain and body.
Only 25 cents a box. Drug Store, cor.
Seventh and Broadway.

Governor Tanner of Illinois

Says of Osteopathy: "There is no doubt
in my mind that Osteopathy will reach
and cure many chronic troubles that med-
icine will have little or no effect upon."
Dr. J. M. Bowen, Osteopath, graduate of
the A. T. Still School of Osteopathy, suite
100-101, Woodmen Park, 321 Twelfth street,
Telephone White 137. Consultation free.

Free Baptist Association.

The Golden Gate Association of Free
Baptists meets next Saturday with the
First Free Baptist Church on Bush
street, San Francisco. The program is
as follows: Prayer meeting, 7:30 a. m.;
business meeting at 11:30 a. m.; lunch in
the vestry served by the ladies of the
Bush street church at 12:30 p. m.; meet-
ing of the Free Baptist Pacific Coast Un-
ion, 1:30 p. m.; preaching service at 2 p.
m.; sermon by Rev. M. H. Babcock of
Oakland; concert meeting at 3 p. m.
and adjournment at 4 p. m.
The delegation from the Oakland Free
Baptist Church will go over in a body
on the 8:15 a. m. Narrow Gauge train.

AT BED TIME

I take a pleasant herb drink, the next
morning I feel better and my complexion
is better. My doctor says I am gently
on the stomach, liver and kidneys and is
a pleasant laxative. It is made from
herbs, and is prepared as easily as tea.
Family Medicine moves the bowels each
day. If you cannot get it, send for a free
sample. Address, Orator F. Woodward,
La Roy, N. Y.

MAY BE VICTIM OF FOUL PLAY.

Flatirons Found Tied
to Drowned Man's
Body.

Associated Press Dispatches by
The Tribune's Special Leased Wire.
NEW YORK, Aug. 30.—The body of
James Rankin, a machinist, was found
yesterday on the rocks of Fort Wad-
sworth by two sentries. It had been left
there by the outgoing tide. When the
coat and waistcoat had been removed two
flatirons were found tied with picture
wire to the waistband. A single turn
with the wire had been taken around the
neck and there were several turns about
the body, which kept the torso in posi-
tion. There was a cut over the left eye.
It was at first believed that the man
had committed suicide and that to make
certain that he would drown had fastened
the weights about his body.

Last night Walter Bateman identi-
fied the body as that of James Rankin, a
machinist and steam fitter. From what
Bateman told Coroner Sever, the latter is
of the opinion that it may not have been
a case of suicide, but of murder.

Mr. Bateman would not believe that
Rankin had committed suicide. "He may
have been the victim of strikers," he
said.
Rankin, who lived with the Batemans,
worked in a shipyard in Bay City, Michi-
gan, several years ago. A strike was or-
dered and Rankin refused to go out with
the other employees. Subsequently he was
compelled to leave the town. It was
charged that he had revealed secrets of
the union to which he belonged.

BACK TO THE COUNCIL FOR INSTRUCTIONS.

Board of Works Refers
the Draining of Lake
Merritt.

The Board of Public Works has passed
the draining of Lake Merritt back to the
City Council in the following communi-
cation:

To the Honorable Council of the City
of Oakland—Gentlemen: Referring to
your Resolution No. 26,222 directing the
Board of Public Works to cause the water
in Lake Merritt to be lowered three
and one-half feet below ordinary high
tide, and to notify the members of the
Council when the water has reached its
depth, I am directed by the Board of
Public Works to report to your honorable
body that the Board has decided to re-
solutions of the Council, and has decided
to take advantage of the most
favorable tides to lower the water in said
lake. After one week's effort he reports
the water lowered two feet and eight
inches by permitting the gates to be raised
and letting the water run out with the
tide. This is the limit to which the
water can be lowered by this method. To
reduce the depth to limit required in
your resolution, i. e., three and one-half
feet below ordinary high tide would re-
quire sheet piling of culverts at the
southern openings, and possibly more or
less piling of culverts at the southern
openings, and possibly more or less dredg-
ing of canal or water-way between
Twelfth and Eleventh streets, which has
twice been dug out, partially filling in
again by pressure of mud used in filling
proposed park between Twelfth and
Eleventh streets.

I beg to enclose copy of report to Board
of Public Works